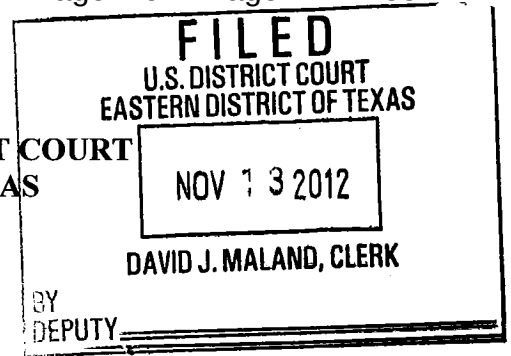


IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION



David E Mack
Plaintiff,

vs

EQUABLE ASCENT FINANCIAL, LLC
Defendant.

Case No. 4:11-cv-793

NOTICE OF OPPOSITION TO DEFENDANT'S MOTION IN LIMINIE

TO THE HONORABLE JUDGE OF THIS COURT:

COMES NOW the Plaintiff (Mack) who asks the Court to deny Defendant's (Equable) Motion in Liminie filed with this Court and states as follows:

1. Equable, has filed a Motion in Liminie with the Court on issues that are wholly unrelated to this cause of action.
2. The first exclusion requested by Equable is any reference to medical problems, injuries, or expenses due to failure to provide records during discovery.
3. With the cause of action being violations of the FCRA only, there are no issues of medical problems, injuries or expenses due to failure to provide records during discovery. And in fact discovery was propounded and answered by both parties and has been entered into evidence as part of Equable's Motion for Summary Judgment and Mack's response. The request for exclusion is without merit.

4. The second exclusion requested is any evidence, statement, or argument of Mack's financial adversity or Equable's financial prosperity.
 5. The total damages requested in this cause of action are only \$1000 plus costs which are nominal amounts in the context of any business such as Equable operates. Mack has made no demand for any actual damages or statements or claims relating to any financial adversity on his part. Mack's request is for nothing more than statutory damages plus his costs of this action. The request for exclusion is completely irrelevant to the case before this Court.
 6. The third exclusion requested by Equable is any evidence, statement, or argument that Equable was not insured, in an attempt to prove that Equable acted negligently.
-
7. Mack has made no claims, assertions or other comments relating to whether Equable is insured against the claim that he has brought before the Court. Mack has also not made any claims for negligence but only for willful violations.
 8. It is highly unlikely that any insurance policy that Equable may have, or have had, would have a deductible of less than a thousand dollars therefore this request for exclusion is irrelevant to this case given the relatively nominal amount of damages requested by Mack and the request is without merit.

WHEREFORE, the Plaintiff respectfully requests this Honorable Court deny Defendant's Motion in Limine in its entirety as having no merit and no relevance to this case.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "David E. Mack", written over a horizontal line.

David E Mack

7720 McCallum Blvd. # 2099

Dallas, Texas 75252

972-735-9642

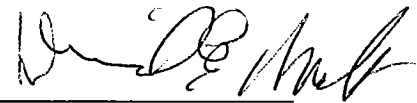
mack2001@swbell.net

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the document above was sent to the parties listed below by first class mail USPS.

Keith Wier
BUSH & RAMIREZ, LLC
5615 Kirby Dr., Suite 900
Houston, TX 77005

Dated November 13, 2012

A handwritten signature in black ink, appearing to read "David E Mack", written over a horizontal line.

David E Mack